

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEONDRE COLEMAN,

Plaintiff

v.

Case No. 2:18-cv-13171
District Judge Arthur J. Tarnow
Magistrate Judge Anthony P. Patti

HEIDI WASHINGTON,
MICHAEL EAGEN,
BRIAN SHIPMAN,
KENNETH ROMANOWSKI,
S. VALADE,
BARBARA ANDERSON,
A. FORTESCUE,

Defendants.

**ORDER SETTING DEADLINES and DEEMING MOOT DEFENDANT
ROMANOWSKI'S MOTION FOR ENLARGEMENT OF TIME IN WHICH
TO FILE A RESPONSIVE PLEADING (DE 22)**

Deon (Deondre) Coleman was paroled from the Michigan Department of Corrections (MDOC) on April 25, 2019 and has since updated his address with the Court.¹ This lawsuit, which was filed on October 11, 2018, names seven (7) Defendants and concerns events that allegedly occurred at the MDOC's Detroit Reentry Center (DRC). (DE 1.)

¹ (See www.michigan.gov/corrections, "Offender Search" (last visited May 30, 2019); DE 18.)

Plaintiff is proceeding *in forma pauperis*. (DE 4.) The Court has summarily dismissed six (6) defendants and denied the related motion for reconsideration. (DEs 8, 12, 14.) On May 16, 2019, counsel entered an appearance on behalf of Defendant Romanowski. (DE 20.)

Judge Tarnow has referred this case to me for pretrial matters. Upon consideration, the Court sets the following case management deadlines:

- (1) **RESPONSIVE FILINGS:** No later than **Friday, July 26, 2019**, Defendant Romanowski shall file either an answer to the complaint, or any motion averring a failure to exhaust administrative remedies,² raising the defense of qualified immunity, or for dismissal under Rule 12.
- (2) **DISCOVERY:** Discovery may proceed and must be completed on or before **Friday, October 18, 2019**. The Court advises the parties that the discovery completion date requires that discovery requests be made sufficiently in advance to permit timely response. The Court further advises that motions relating to discovery, if any, shall be filed within the discovery period unless it is impossible or impracticable to do so.
- (3) **DISPOSITIVE MOTIONS:** Dispositive motions under Fed. R. Civ. P. 56, except as referenced above, must be filed by **Thursday, November 21, 2019**. The Court expects the parties to conduct any discovery that may be needed to address any

² “The summary judgment motion is especially well suited to pretrial adjudication of an exhaustion defense, because proof of lack of exhaustion generally requires resort to matters outside the pleadings, such as affidavits or documentary evidence” and “Rule 12(b)(6) does not appear to be the proper vehicle to address an exhaustion defense under the PLRA, because failure to exhaust is not a pleading requirement.” *Anderson v. Jutzy*, 175 F.Supp.3d 781, 787 (E.D. Mich. 2016).

potential motion for summary judgment within the discovery period set forth above.

Throughout the process, the parties are required to follow the Federal Rules of Civil Procedure and the Eastern District of Michigan Local Rules, each of which can be accessed at <https://www.mied.uscourts.gov/index.cfm?pageFunction=proSe>. In addition, the parties must refer to and follow my practice guidelines, available at https://www.mied.uscourts.gov/index.cfm?pageFunction=chambers&judgeid=51_.

In particular, I direct the parties' attention to my practice guidelines on "Discovery," "Motion Practice."

SPECIAL INSTRUCTIONS FOR *PRO SE* LITIGANTS

All parties, regardless of whether they are represented by counsel, are expected to abide by the rules and guidelines identified above. No one in the Courthouse can provide you with legal advice, including Judge Patti, his staff, Clerk's Office staff, or another party's attorney. If you need the assistance of any attorney, you must retain one on your own. There is a federal *pro se* legal assistance clinic operated in the Courthouse by the University of Detroit-Mercy Law School. To determine if you are eligible for assistance, you may contact the Federal *Pro Se* Legal Assistance Clinic at (313) 234-2690 or at proseclinic@udmercy.edu.

Finally, given the above deadlines, Defendant Romanowski's May 16, 2019 motion for enlargement of time – to July 15, 2019 – in which to file a responsive pleading (DE 22) is **DEEMED MOOT**.³

IT IS SO ORDERED.

Dated: May 31, 2019

s/*Anthony P. Patti*

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on May 31, 2019, electronically and/or by U.S. Mail.

s/*Michael Williams*

Case Manager for the
Honorable Anthony P. Patti

³ On April 4, 2019, Plaintiff filed what is titled a “supplement amended complaint,” which the Court interprets as a first amended complaint and which names six (6) Defendants, including Defendant Romanowski. (DE 15.) The Court will address this complaint, as well as Plaintiff’s pending motion for the appointment of counsel (DE 17), under separate cover.